

**OPINION
49-175**

June 11, 1949 (OPINION)

STATE HISTORICAL SOCIETY

RE: Liability for Alleged Fire

Your letter of June 9, enclosing a copy of the letter of Mr. and Mrs. Pulkrabek, of May first, has been received.

Under the circumstances stated in your letter, there is no possibility of the state being liable for any damages. Even if it could be shown that the fire had been started by someone working for the Historical Society in the park, there would be no liability on the state. If it could be shown that the fire was started by the negligence of any individual or the intentional act of any individual, that individual would be liable for damages resulting from the fire. The universal rule is that neither the state nor any of its political subdivisions or agencies, can be held liable for damages for the negligence of any of the agents of the state, its political subdivisions or agencies.

So far as the Pulkrabek matter is concerned, I will suggest that you answer him, telling him that there is no possibility of the state being liable and that you cannot entertain any claim for damages in that matter.

WALLACE E. WARNER

Attorney General